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May 7, 2018

VIA ECF

Hon. Judge Robert W. Sweet
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18C
New York, New York 10007

Re: Juan Moronta v. Num Pang Sandwich Shop
Index No. 17-CV-8119-RWS

Dear Judge Sweet:

Please be advised, the undersigned is counsel to Plaintiff Juan Moronta (“Plaintiff”) in the above-captioned matter. The undersigned writes, on behalf of all the parties, to respectfully request a brief adjournment of the initial conference, scheduled for tomorrow May 8, 2018. The undersigned has conferred with Defendant’s counsel who joins in this request. This is Plaintiff’s first request to adjourn the initial conference.

The basis for this request is that following the parties’ exchange of information and documents pursuant to the Protocols for Initial Disclosures for FLSA Cases Not Pleaded as Collective Actions, the parties have engaged in settlement negotiations in a good faith effort to resolve this matter without the cost and uncertainty of further litigation. We are pleased to report to Your Honor that late last week parties’ respective settlement positions narrowed significantly. In light of the parties’ ongoing negotiations and the parties’ current respective settlement positions, the parties reasonably believe that this matter will settle within the next few weeks and respectfully. We submit that appearing for the conference would unnecessarily consume the Court’s time and attention and result in the parties’ incurring additional litigation expenses and fees, making settlement more difficult.



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Accordingly, the parties jointly respectfully requests a 30-day adjournment of tomorrow's initial conference to allow counsel to continue, and hopefully finalize, settlement discussions to resolve this matter without further litigation.

Counsel remains available should Your Honor have any questions or concerns. Counsel thanks Your Honor for your time and consideration of this application.

Respectfully submitted,
NESENOFF & MILTENBERG LLP

By: /S/ Gabrielle M. Vinci
Gabrielle M. Vinci (GV-8390)

CC: All counsel (Via ECF)